

STATE OF WASHINGTON

Phone: (360) 725-7000

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

DECLARATION OF MAILING
I declare under penalty of perjury
under the laws of the State of
Washington that on the date listed
below, I mailed or caused delivery
of a true copy of this document to



OFFICE OF
INSURANCE COMMISSIONER

FILED

2005 JUL -7 A 11:56

DATED this 7 day of July 2005
at Tumwater, Washington.

Signed: Wendy Galloway

HEARINGS UNIT
Fax: (360) 664-2782

Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Administrative Assistant
WendyG@OIC.wa.gov.
(360) 725-7002

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In re:)	NO. G04-96
)	
UNITY HR OF WASHINGTON, INC.,)	NOTICE OF HEARING
)	
Appellant.)	
_____)	

TO: Alan J. Wertjes, Wertjes Law Group P.S.
Attorney for Unity HR of Washington
1800 Cooper Point Road S.W., Bldg. 3
Olympia, Washington 98502

COPY TO: Tom Montgomery, Montgomery Scarp MacDougall, PLLC
Attorney for Governing Committee
1218 Third Avenue, Suite 2700
Seattle, Washington 98101

AND TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
James T. Odiorne, Deputy Commissioner, Company Supervision
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On December 21, 2004, Unity HR of Washington, Inc. (Unity HR), by and through its attorney, Alan J. Wertjes, Esq., filed a Notice of Appeal with the Office of the Insurance

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501



OFFICE OF INSURANCE COMMISSIONER
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Commissioner. Said Notice of Appeal was supplemented by a Petition for Review filed on December 22, 2004. Said Notice of Appeal and Petition for Review, which together shall be considered a request for an adjudicative proceeding, is to contest a decision of the Washington State United States Longshore and Harbor Workers' Compensation Act Assigned Risk Plan (WARP). Specifically, as detailed in its letter dated November 23, 2004, the appeal subcommittee of the WARP unanimously determined that its servicing carrier fulfilled its obligations to Unity HR and, therefore, that the decision of WARP's Plan Director to deny coverage retroactively to March 18, 2004 was upheld. Unity HR is exercising its statutory recourse provided in WAC 284-22-090 by appealing this decision to the Office of the Insurance Commissioner.

Accordingly, on January 18, 2005, the undersigned held a first prehearing teleconference in this matter. Unity HR of Washington appeared by and through its attorney, Alan J. Wertjes, Esq. WARP's Governing Committee appeared by and through its attorney, Tom Montgomery, Esq. Charles Glass, WARP's Plan Director, also appeared and participated in the first prehearing conference. During the first prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties. Of note, the undersigned advised that the participation of the Insurance Commissioner was not required under Title 48 RCW and that it was her understanding that he did not wish to appear.

Further, Brian Kreger, Esq. and D. Drue Wax, Esq. appeared at the first prehearing conference representing Seabright Insurance and PointSure Insurance Services, Inc., respectively. Both Mr. Kreger and Ms. Wax were advised by the undersigned that, although they had filed Notices of Appearance, if they wished to appear and participate in this proceeding they were first required to file Petitions for Intervention with the undersigned pursuant to RCW 34.05.443(1), be determined to qualify as interveners under that statute, and be granted intervention. To date, no such Petitions have been filed.

The parties have agreed that the hearing in this matter shall be scheduled to commence at **10:00 a.m., on Monday, August 29, 2005**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington, which would allow Unity HR time to conduct anticipated discovery. The undersigned advised that she only becomes involved in discovery issues if a party requests a ruling or other assistance in such matters, but does request that copies of discovery requests be filed with her.

The purpose of the hearing will be to review and enter a final order either upholding, setting aside, or modifying the aforereferenced decision of the Plan Director of WARP.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010 and WAC 284-22-090.

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Unity HR of Washington, Inc. will be represented by its attorney, Alan J. Wertjes, Esq. His mailing address is 1800 Cooper Point Road, Bldg. 3, Olympia, Washington 98502, and his telephone number is (360) 570-7488. The Governing Committee of WARP will be represented by its attorney, Tom Montgomery, Esq. His mailing address 1218 Third Avenue, Suite 2700, Seattle, Washington 98101 and his telephone number is (206) 625-1801.

The adjudicative proceeding will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter, without input, review or any other communication with any individual, as required by RCW 34.05.455 concerning ex parte communications. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105.

As above, on January 18, 2005, the undersigned held a first prehearing teleconference in this matter, and subsequently held two additional prehearing conferences concerning various issues relating to this proceeding. All prehearing conferences, and the Motion for Summary Judgment argued in this matter, are all recorded and have become part of the record of this proceeding. Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Wendy Galloway, Administrative Assistant to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.



This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on **Monday, August 29, 2005 at the hour of 10:00 a.m., in room 120**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501.

ENTERED AT TUMWATER, WASHINGTON, this 7th day of July, 2005.



PATRICIA D. PETERSEN
Presiding Officer

STATE OF WASHINGTON

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

Phone: (360) 725-7000



OFFICE OF
INSURANCE COMMISSIONER

FILED

2005 JAN 26 P 12:07

DECLARATION OF MAILING

I declare under penalty of perjury
under the laws of the State of
Washington that on the date listed
below, I mailed or caused delivery
of a true copy of this document to

all parties
DATED this *26* day of *Jan, 2005*
at *Tumwater*, Washington.

Signed: *Wendy Galloway*

HEARINGS UNIT

Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

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Attorney for Unity HR of Washington
1800 Cooper Point Road S.W., Bldg. 3
Olympia, Washington 98502

COPY TO: Tom Montgomery, Montgomery Scarp MacDougall, PLLC
Attorney for Governing Committee
1218 Third Avenue, Suite 2700
Seattle, Washington 98101

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Finally, during the first prehearing teleconference, the parties agreed that the hearing in this matter shall be scheduled to commence at **10:00 a.m., on Monday, March 21, 2005**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington, which would allow Unity HR time to conduct anticipated discovery. The undersigned advised that she only becomes involved in discovery issues if a party requests a ruling or other assistance in such matters, but does request that copies of discovery documents be filed with her.

The purpose of the hearing will be to review and enter a final order either upholding, setting aside, or modifying the aforereferenced decision of the Plan Director of WARP.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010 and WAC 284-22-090.

Unity HR of Washington, Inc. will be represented by its attorney, Alan J. Wertjes, Esq. His mailing address is 1800 Cooper Point Road, Bldg. 3, Olympia, Washington 98502, and his telephone number is (360) 570-7488. The Governing Committee of WARP will be represented by its attorney, Tom Montgomery, Esq. His mailing address 1218 Third Avenue, Suite 2700, Seattle, Washington 98101 and his telephone number is (206) 625-1801.

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As above, on January 18, 2005, the undersigned held a first prehearing teleconference in this matter. Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Wendy Galloway, Administrative Assistant to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

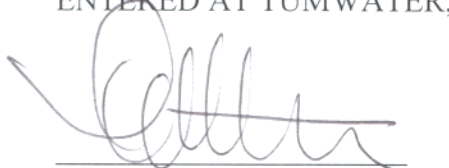
This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on **Monday, March 21, 2005 at the hour of 10:00 a.m.**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501.

ENTERED AT TUMWATER, WASHINGTON, this 26th day of January, 2005



PATRICIA D. PETERSEN
Presiding Officer